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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/505,388

02/28/2005

Bernd Kreuzer

166-75

7212

7590

04/27/2006

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EXAMINER

NICHOLSON III, LESLIE AUGUST

ART UNIT

PAPER NUMBER

3651

DATE MAILED: 04/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/505,388

Applicant(s)

KREUZER ET AL.

Examiner

Leslie A. Nicholson III

Art Unit

3651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-33 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species are as follows:

- I. Carriage (20), directed to figure 3, claims 11-16,17,18
- II. Carriage (40), directed to figure 4, claims 11-16,19,21
- III. Carriage (60), directed to figure 5, claims 11,19,21,20

Applicant is required, in reply to this action, to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

The following claim(s) are generic: 1 and 22.

Art Unit: 3651

The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons:

Each species share the following technical features:

- An outer frame
- An inner frame that revolves around a rotary shaft relative to said outer frame
- The rotary shaft of each carriage disposed in an essentially horizontal and perpendicular manner in relation to the direction of movement of said carriages along said handling line

These technical features constitute knowledge generally available to the person skilled in the art (see e.g. USP 4724944, USP 4589819) and are thus not novel.

The differing technical feature of species I lies in it requiring a control means for controlling a relative rotational movement between the outer and inner frame, wherein the control means comprises a guide rail having inclined guide portions.

The differing technical feature of species II lies in it requiring a rotary drive for rotational movement of the inner frame relative to the outer frame rather than a lever assembly.

The differing technical feature of species III lies in it requiring a travel drive for translatory movement of the carriages along the handling line as well as a rotary drive.

It is clear that the special technical features of the three species are not the same, based on different elements used to solve the same problem, and can therefore not be considered to be corresponding technical features.

For this reason, no technical relationship can be recognized among the species on the basis of these features and there is consequently a lack of unity of invention (PCT Rule 13.1 to 13.3).

2. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-21, drawn to "a device for modular construction".

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Group II, claim(s) 22-33, drawn to "a method for handling workpieces".

The inventions listed as Groups I and II do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

Independent claims 1 and 22 share the following common technical features:

- A device having a transport track with one or more handling areas for handling the surfaces of workpieces
- Mounting carriages upon which the workpieces can be attached and which can be moved along the transport track

These technical features constitute knowledge generally available to the person skilled in the art (see e.g. EP 0030882 A, USP 4928383, DE 3906857 A, DE 19641048 A) and are thus not novel.

The technical feature that could possibly represent a contribution over the prior art by the device according to claim 1 (PCT Rule 13.2) lies in providing a device with a modular design, with

- a first module comprising:
 - a transport track and
 - a guiding mechanism along the transport track,
- a second module comprising one or more mounting carriages that can be moved along the guiding mechanism and
- various types of second modules, each of which can be combined with the first module

This feature represents a solution to the problem of making the device for handling workpieces more flexible.

The technical features that could possibly represent a contribution over the prior art by the method according to claim 22 (PCT Rule 13.2) consist in the following method steps:

- transporting a workpiece to a first transfer station by means of a first conveyor mechanism
- swinging a mounting carriage up around a swivel axis until the mounting carriage is supporting the workpiece
- passing along the transport track to a second transfer station with an additional, step-by-step rotation in order to bring the workpiece in or out of one or more handling areas;
- swinging the mounting carriage down around the swivel axis in the area of the second transfer station; and simultaneously
- transporting the workpiece away by means of a second conveyor mechanism;
- transporting back to the first transfer station the mounting carriages, which have been pivoted approximately 90° from horizontal.

It is clear that the special technical features of the two groups of inventions are not the same, based on their respective dependent claims in that they solve different problems and have different effects, can therefore not be considered to be corresponding technical features.

For this reason, no technical relationship can be recognized among the inventions on the basis of these features and there is consequently a lack of unity of invention (PCT Rule 13.1 to 13.3).

3. Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim

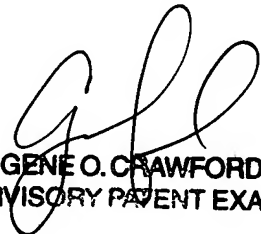
remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leslie A. Nicholson III whose telephone number is 571-272-5487. The examiner can normally be reached on M-F, 8:30 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on 571-272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

L.N.
4/24/2006


GENE O. CRAWFORD
SUPERVISORY PATENT EXAMINER